IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2325 OF 2005

ALONG WITH

WRIT PETITION NO.2326 OF 2005

Mr.Vilas Shankarappa Bagi & Anr. ...Petitioners

Versus

Shri Shivshakti Gramin Bigar Sheti

Sahakari Patsanstha Mydt. & Anr. ...Respondents

.....

Mr.A.S.Desai with Mr.R.S.Ghadge for Petitioners.

Mrs.Prabhu i/b N.V.Bandivadekar for Respondent No.1.

Ms.R.M.Gadhavi, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 25, 2005.

P.C.

1. I see no reason to interfere with the conclusion reached by the lower Court. The argument of the Petitioners that Petitioner No.1 although was authorised officer and has signed the cheque in question, will not be liable, as there is

no legal liability. This aspect will have to be considered at the trial. Insofar as argument that Petitioner No.2 was not the authorised Officer, for which reason, he cannot be proceeded against, even that question will have to be considered at the trial and cannot be the basis to quash the proceedings.

2. Accordingly, no fault can be found with the Court below in directing issuance of process against the Petitioners herein. Hence, dismissed.

A.M.KHANWILKAR, J.